

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

IN RE:

Hassan Z Zaidi Codebtor

Address: 1507 Summerset Place, Herndon, VA 20170

Last four digits of Social Security No.(s): XXX-XX-8711

BCN #: 17-10864-KHK

Chapter: 13

NOTICE OF MOTION AND HEARING

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not wish the Court to grant the relief sought in this motion, or if you want the Court to consider your views on this motion, then within twenty one (21) days from the date of service of this motion, you must file a written response explaining your position with the Court at the following address: Clerk of Court, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314, and serve a copy on the Movant. Unless a written response is filed and served within this fourteen day period, the Court may deem any opposition waived, treat the motion as conceded, and issue an Order granting the requested relief without further notice or hearing.

If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the expiration of the fourteen day period.

You may attend the preliminary hearing scheduled to be held on: July 25, 2018 at 9:30 AM in Courtroom III, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an Order granting the requested relief.

SHAPIRO & BROWN, LLP
ATTORNEYS FOR THE MOVANT

Dated: June 6, 2018

/s/ Mary F. Balthasar Lake
BY: Gregory N. Britto, Esquire, VSB #23476
William M. Savage, Esquire, VSB #26155
Malcolm B. Savage, III, Esquire, VSB #91050
Thomas J. Gartner, Esquire, VSB #79340
Mary F. Balthasar Lake, Esquire, VSB #34899
Leonard C. Tengco, Esquire, VSB #76395
SHAPIRO & BROWN, LLP
501 Independence Parkway, Suite 203
Chesapeake, Virginia 23320
(703) 449-5800
VABECF@logs.com

CERTIFICATE OF SERVICE

I certify that I have this 6th day of June, 2018, electronically transmitted and/or mailed by first class mail, postage pre-paid, a true copy of the foregoing Notice of Motion to the following:

Nathan A Fisher
3977 Chain Bridge Road, #2
Fairfax, VA 22030

Thomas P. Gorman
300 N. Washington St. Ste. 400
Alexandria, VA 22314

Hassan Z. Zaidi
1507 Summerset Place
Herndon, VA 20170

/s/ Mary F. Balthasar Lake
Gregory N. Britto, Esquire, VSB #23476
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Leonard C. Tengco, Esquire, VSB #76395

United States Bankruptcy Court
Eastern District of Virginia
Alexandria Division

IN RE:
WASEEM ZAHEER ZAIDI
Debtor

BCN#: 17-10864-KHK
Chapter: 13

The Bank of New York Mellon, f/k/a The
Bank of New York, as trustee, on behalf of
the holders of the CHL Mortgage Pass-
Through Trust 2005-6, Mortgage Pass-
Through Certificates, Series 2005-6
or present noteholder,

Movant/Secured Creditor,

v.

WASEEM ZAHEER ZAIDI
Debtor

HASSAN Z ZAIDI
Codebtor

and

THOMAS P. GORMAN
Trustee
Respondents

NOTICE OF CODEBTOR MOTION AND HEARING

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not wish the Court to grant the relief sought in this motion, or if you want the Court to consider your views on this motion, then within twenty (20) days from the date of service of this motion, you must file a written response explaining your position with the Court at the following address: Clerk of Court, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314, and serve a copy on the Movant.

If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the expiration of the twenty day period.

You may attend the preliminary hearing scheduled to be held on: July 25, 2018 at 9:30 AM in Courtroom III, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314.

If you do not file a written response by the deadline shown, the law provides that the automatic stay protecting you from further legal action against you by this creditor will automatically terminate as provided for in 11 U.S.C. §1301(d).

SHAPIRO & BROWN, LLP
ATTORNEYS FOR THE MOVANT

Dated: June 6, 2018

/s/ Mary F. Balthasar Lake

BY: Gregory N. Britto, Esquire, VSB #23476
William M. Savage, Esquire, VSB #26155
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Certificate of Service

I certify that I have this 6th day of June, 2018, electronically transmitted and/or mailed by first class mail, postage pre-paid, true copies of the above Motion for Order Granting Relief from Codebtor Stay and Notice of Motion and Hearing to the following:

Nathan A Fisher
3977 Chain Bridge Road, #2
Fairfax, VA 22030

Thomas P. Gorman
300 N. Washington St. Ste. 400
Alexandria, VA 22314

Hassan Z. Zaidi
1507 Summerset Place
Herndon, VA 20170

/s/ Mary F. Balthasar Lake

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United States Bankruptcy Court
Eastern District of Virginia
Alexandria Division

In Re:
Waseem Zaheer Zaidi
Debtor

BCN#: 17-10864-KHK
Chapter: 13

The Bank of New York Mellon, f/k/a The Bank of New York, as trustee, on behalf of the holders of the CHL Mortgage Pass-Through Trust 2005-6, Mortgage Pass-Through Certificates, Series 2005-6
Movant/Secured Creditor,
v.

Motion for Order Granting Relief from
Codebtor Stay under 11 USC §1301(c)(2)

Hassan Z Zaidi
Codebtor
and
Thomas P. Gorman
Trustee
Respondents

Select Portfolio Servicing, Inc., as servicing agent for The Bank of New York Mellon, f/k/a The Bank of New York, as trustee, on behalf of the holders of the CHL Mortgage Pass-Through Trust 2005-6, Mortgage Pass-Through Certificates, Series 2005-6, and/or present noteholder, (hereinafter “the Movant”), alleges as follows:

1. That the bankruptcy court has jurisdiction over this contested matter pursuant to 28 U.S.C. § 157 and § 1334 and 1301(c)(2); Federal Rule of Bankruptcy Procedure 9014; and Local Bankruptcy Rule 4001(a)-1.
2. That the above named Debtor filed a Chapter 13 Petition in Bankruptcy with this Court on March 16, 2017.
3. That Thomas P. Gorman has been appointed by this Court as the Chapter 13 Trustee in this instant Bankruptcy proceeding.
4. That the subject Deed of Trust secures a parcel of real property (hereinafter “the Property”) with the address of 1507 Summerset Place, Herndon, VA 20170 and more particularly

described in the Deed of Trust dated January 20, 2005 and recorded as Deed Book 16922, Page 1123 among the land records of the said city/county, as:

Lot 226, FOUR SEASONS, Section 2, Phase 3, as the same appears duly dedicated, platted and recorded in Deed Book 4132 at page 536, as resubdivided by Deed of Resubdivision, Dedication and Vacation recorded in Deed Book 8771 at page 1018, among the land records of Fairfax County, Virginia. Being the same property conveyed by instrument dated December 15, 1994 recorded December 16, 1994 in Deed Book 9314, at Page 370 from Richmond American Homes of Virginia, Inc.

5. The entity which has the right to foreclose is: The Bank of New York Mellon, f/k/a The Bank of New York, as trustee, on behalf of the holders of the CHL Mortgage Pass-Through Trust 2005-6, Mortgage Pass-Through Certificates, Series 2005-6 by virtue of being the holder and owner of the Note.

6. That the Movant is informed and believes, and, based upon such information and belief, alleges that title to the Property is currently vested in the name of the Debtor and Codebtor.

7. A Proof of Claim for pre-petition arrears was filed with this Court on Movant's behalf on July 31, 2017, in the amount of \$357,131.84.

8. Movant has elected to initiate foreclosure proceedings on the Property with respect to the Deed of Trust, but is prevented by the Automatic Stays from going forward with these proceedings.

9. That the Movant is informed and believes, and, based upon the Chapter 13 plan dated April 12, 2017 that the Debtor(s) intended to surrender the above mentioned property. The Order Confirming Plan was entered June 8, 2017.

10. That the Movant is informed and believes, and, based upon such information and belief, alleges that the Debtor has little or no equity in the property.

11. That continuation of the automatic stays pursuant to 11 U.S.C. §§ 1301(a) will work real and irreparable harm and deprive the Movant of the adequate protection to which it is entitled.

12. That the Movant has requested that the Court hear this matter on July 25, 2018 at 9:30 AM.

WHEREFORE, Movant prays for an order granting relief from the Automatic Stays of 11 U.S.C. §§ 1301 in order to pursue its remedies under the terms of its Note and Deed of Trust, that the fourteen (14) day waiting period imposed by F.R.B.P. 4001(a)(3) be waived, for its attorneys' fees' and costs expended, and for such other and further relief as the Court and equity deem appropriate.

SHAPIRO & BROWN, LLP
ATTORNEYS FOR THE MOVANT

Dated: June 6, 2018

/s/ Mary F. Balthasar Lake
BY: Gregory N. Britto, Esquire
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Certificate of Service

I certify that I have this 6th day of June, 2018, electronically transmitted and/or mailed by first class mail, true copies of the Motion for Relief from the Automatic Stay and Notice of Motion and Hearing to each party required to receive notice.

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